

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-x-

JAMES RUSSO,

Plaintiff,

- against -

: AFFIDAVIT OF
SERVICE

MP222 LLC, 222 EAST 95th STREET :
OWNERS CORP., COMMISSIONER OF SOCIAL :
SERVICES OF THE CITY OF NEW YORK, NEW :
YORK STATE DEPARTMENT OF TAXATION :
AND FINANCE, NEW YORK CITY DEPARTMENT :
OF FINANCE, MERRILL LYNCH CREDIT :
CORPORATION and the INTERNAL REVENUE :
SERVICE OF THE UNITED STATES OF AMERICA, :

Defendants. :

-x-

UNITED STATES OF AMERICA, :

Counterclaim, Crossclaim :
and Third-Party Plaintiff, :

- against -

JAMES RUSSO,

Counterclaim Defendant.

:

-and-

MP222 LLC, 222 EAST 95th STREET :
OWNERS CORP., COMMISSIONER OF SOCIAL :
SERVICES OF THE CITY OF NEW YORK, NEW :
YORK STATE DEPARTMENT OF TAXATION :
AND FINANCE, NEW YORK CITY DEPARTMENT :
OF FINANCE, MERRILL LYNCH CREDIT :
CORPORATION, :

Crossclaim Defendants,

:
and

JAMES A. RUSSO, JOHN DOES NOS. 1-10 and
JANE DOES NOS. 1-10,

Third-Party Defendants.

-----x
STATE OF NEW YORK)
ss.:
COUNTY OF NEW YORK)

JILLIAN LORE, being duly sworn, deposes and says:

1. I am not a party to this action, am over 18 years of age, and reside in the County of New York, New York.
2. On March 26, 2008, at 9:10 a.m., I served of a copy of the Notice of Motion To Confirm and Amend the Default Declaratory Judgment and the Affidavit of Richard C. Agins, Esq. in support thereof, with all exhibits, on behalf of Defendant NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, by delivering same by hand to:

Managing Attorney's Office
Office of the Attorney General of the State of New York
New York State Department of Law
120 Broadway - 24th Floor
New York, New York 10271-0332

3. Also on March 26, 2008, by Overnight Mail, copies of the Notice of Motion To Confirm and Amend the Default Declaratory Judgment and the Affidavit of Richard C. Agins, Esq. in support thereof, with all exhibits, were served to:

JOSEPH T. COLARSURDO, ESQ.
JOSEPH T. COLARSURDO & ASSOCIATES, P.C.
Attorneys for Merrill Lynch Credit Corporation
2900 Westchester Avenue - Suite 206
Purchase, New York 10577

JOSEPH H. LESSEM, ESQ.
GRAUBARD MILLER
Attorneys for MP222, LLC
405 Lexington Avenue
New York, New York 10174

JOHN A. COLEMAN, JR. , ESQ.
FRIEDBERG, COHEN, COLEMAN & PINKAS, LLP
Attorneys for 222 East 95th Street Owners Corp.
444 Madison Avenue
New York, New York 10022

MICHAEL A. CARDODOZO, ESQ.
Corporation Counsel of the City of New York
Attorney for the Department of Social Services of the City of
New York and the
New York City Department of Finance
By: MARIAN MASS, ESQ.
Assistant Corporation Counsel
100 Church Street, Room 3-249
New York, New York 10007

MICHAEL J. GARCIA, ESQ.
United States Attorney for the Southern District of New York
Attorney for the United States of America
By: KATHLEEN A. ZEBROWSKI, ESQ.
Assistant United States Attorney
86 Chambers Street
New York, New York 10007

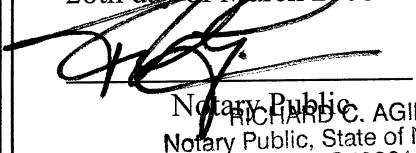
MICHAEL VOLLBRECHT, ESQ.
Attorney for Mason Tenders District Council Welfare Fund,
Pension Fund, Annuity Fund, Asbestos Training Program
Fund, Industry Fund, Legal Services Fund, Building
Contractors Advancement Program and Paul D. Ragone in
his fiduciary capacity as Administrator
17 State Street
New York, New York 10004

COURTESY COPY TO:
ASSISTANT ATTORNEY GENERAL ALAN GITTER
OFFICE OF THE ATTORNEY GENERAL OF THE STATE
OF NEW YORK
NEW YORK STATE DEPARTMENT OF LAW
Suffolk Regional Office
300 Motor Parkway
Happaugue, New York 11788



JULIAN LORE

Sworn to before me this
26th day of March 2008



Notary Public
RICHARD C. AGINS
Notary Public, State of New York
No. 02AG5028148
Qualified in New York County
Commission Expires 08/31/2010